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Date:

Signature: *Scott Stewart*

(Scott Stewart)

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MAY 27 2003

TECH. CENTER 1600/2900 Docket No.: 514862000100
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Thomas BOREN et al.

Application No.: 09/937,110

Group Art Unit: 1623

Filed: January 29, 2002

Examiner: K. Fonda

For: USE OF FUCOSYLATED SIALYLATED N-ACETYL LACTOSAMINE CARBOHYDRATE STRUCTURES FOR INHIBITION OF BACTERIAL ADHERENCE

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed February 25, 2003 (Paper No. 7), applicant hereby provisionally elects Group I, claims 15-24 for continued examination, with traverse.

The Examiner has required restriction between Group I, claims 15-24, drawn to a method of treating diseases in humans caused by *H. pylori* infection of gastric mucosa by administration of a fucosylated N-acetyl lactosamine carbohydrate structure and Group II, claims 25 and 26, drawn to a method of treating diseases in humans caused by *H. pylori* infection of gastric mucosa by administration of antibodies to a fucosylated N-acetyl lactosamine carbohydrate structure.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (37 CFR 1.142(a)). In the present case, although the claimed subject matter may be classified in different classes, the inventions are so linked as to form

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a single general inventive concept under PCT Rule 13.1. Group I and Group II are linked by the same corresponding special technical feature. Specifically, both Group I and Group II are methods of treating *H. pylori* infection through blocking adherence by *H. pylori* to the gastric mucosa. Group I uses a fucosylated N-acetyl lactosamine carbohydrate structure while Group II uses antibodies to the same.

It is respectfully requested that the restriction requirement be withdrawn, and that each of claims 15-26 presently pending in this application be examined.

Dated: May 20, 2003

Respectfully submitted,

By Otis Littlefield
Otis Littlefield
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05-22-03

1623

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TRANSMITTAL FORM

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		Application Number	09/937,110
		Filing Date	January 29, 2002
		First Named Inventor	Thomas BOREN
		Group Art Unit	1623
		Examiner Name	K. Fonda
Total Number of Pages in This Submission	3	Attorney Docket Number	514862000100

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ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Response to Restriction Requirement (2 pages)
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	MORRISON & FOERSTER LLP Otis Littlefield - 48,751
Signature	
Date	May 20, 2003

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